

*select*

8  
1/12/01  
*J*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HERMAN SWIFT,

CIVIL ACTION NO. 1:CV-00-1705

Plaintiff

(Judge Kane)  
(Magistrate Judge Durkin)

v.

MARTIN HORN, et al.,

FILED  
HARRISBURG, PA

Defendants

JAN 11 2001

ORDER

MARY E. D'ANDREA, CLERK  
PER *[Signature]* DEPUTY CLERK

Before the Court in the captioned action is the October 24, 2000 report and recommendation of the magistrate judge, recommending dismissal of Plaintiff's complaint for failure to state a claim upon which relief can be granted. Plaintiff filed objections to the report and recommendation on November 2, 2000.

The Court's review of the file and Plaintiff's objections reveals that the objections consist of arguments fully considered and rejected by the magistrate judge.

Accordingly, upon independent review of the entire record and the applicable law, IT IS ORDERED THAT:

- 1) The Court adopts the report and recommendation of Magistrate Judge Durkin.
- 2) Plaintiff's complaint is DISMISSED.
- 3) Plaintiff's application to proceed in forma pauperis is DENIED as moot.
- 4) The Clerk of Court is directed to close this file.

*Yvette Kane*

YVETTE KANE  
United States District Judge

Dated: January 11, 2001.

Certified from the record  
Date 1-11-01

Mary E. D'Andrea, Clerk

Per *George J. Anderson*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

January 11, 2001

Re: 1:00-cv-01705 Swift v. Horn

True and correct copies of the attached were mailed by the clerk to the following:

Herman Swift  
SCI-D  
SCI at Dallas  
CE-8598  
Drawer K - Follies Rd.  
Dallas, PA 18612-0286

cc:  
Judge \_\_\_\_\_  
Magistrate Judge \_\_\_\_\_  
U.S. Marshal \_\_\_\_\_  
Probation \_\_\_\_\_  
U.S. Attorney \_\_\_\_\_  
Atty. for Deft. \_\_\_\_\_  
Defendant \_\_\_\_\_  
Warden \_\_\_\_\_  
Bureau of Prisons \_\_\_\_\_  
Ct Reporter \_\_\_\_\_  
Ctroom Deputy \_\_\_\_\_  
Orig-Security \_\_\_\_\_  
Federal Public Defender \_\_\_\_\_  
Summons Issued \_\_\_\_\_ with N/C attached to complt. and served by:  
                          U.S. Marshal \_\_\_\_\_ Pltf's Attorney \_\_\_\_\_  
Standard Order 93-5 \_\_\_\_\_  
Order to Show Cause \_\_\_\_\_ with Petition attached & mailed certified mail  
                          to: US Atty Gen \_\_\_\_\_ PA Atty Gen \_\_\_\_\_  
                          DA of County \_\_\_\_\_ Respondents \_\_\_\_\_  
Bankruptcy Court \_\_\_\_\_  
Other \_\_\_\_\_

MARY E. D'ANDREA, Clerk

DATE: 1-11-01

BY: 67  
Deputy Clerk